Colorado Springs, CO

The Gazette

3/19/02

Greg,

I just wanted to make sure you saw this.

Ann-Marie

Two admit planning to kill cabbie

Suspects tried to rob gays before calling taxi, police say

EDITOR'S NOTE: Some readers may find parts of this report disturbing.

By Bill McKeown
The Gazette

When three homeless men called a cab company on the night of March 12, they already had decided to rob and kill the driver who showed up to give them a ride, a suspect later told detectives.

Joseph Marino, 21, told an El Paso County sheriff's detective the three men hatched their plan after failing to lure departing patrons of a west-side gay bar into an alley so they could beat and rob them, according to arrest affidavits filed with the 4th Judicial District Court.

Larry John Upton, 27, was arrested Friday in connection with the killing of Phillip M. Swaba, a driver with Yellow Cab.

Marino and Larry Upton, 27, were arrested Friday at the Marian House Soup Kitchen in downtown Colorado Springs on suspicion of killing Yellow Cab driver Phillip M. Swaba, 60.

Swaba's body was found outside his still-running cab on Laguna Point, an unpaved road just south of the Manitou Springs city limits.

The third suspect in the killing, Christopher Gray, 34, turned himself in to police Sunday.

Gray has refused to speak with sheriff's detectives, but Marino and Upton talked, telling differing stories of their involvement in the crime, according to the arrest affidavits.

An arrest affidavit is a document filed in court that outlines evidence police say supports an arrest.

Marino told detectives the three homeless men asked a clerk at the Dale Motel in the 600 block of Colorado Avenue to call a cab for them about 8:15 p.m. When the cab arrived, the three men piled into the back seat, with Marino directly behind the cabbie.

Marino told police he stabbed Swaba in the right side of his neck as the cabbie pulled to a stop on the dark, secluded road where his passengers had asked to be dropped off, according to the affidavits.

Marino told detectives Upton then ran around the cab, pulled Swaba from his seat and "curb stomped" the driver in the back of his head with his foot.

Marino said Gray then kicked the cabbie in the stomach before Upton straddled the driver, pulled his head back by his hair and slit his throat, according to the affidavits.

Marino said he and Gray then yanked the

See AFFIDAVITS A8

a weaker layer — and a trigger...

Affidavits: Woman's tip leads police to homeless men

From A1

cabbie's wallet off a chain attached to a back pocket.

As the three men walked away, Marino told detectives, Upton returned to the cabbie and slit his throat again.

Upton, however, told detectives Marino put his left arm around Swaba's neck when the cabbie pulled to a stop and then repeatedly struck the cab driver's neck with his right fist.

Upton said by the time he ran around the cab, Marino had pulled Swaba from the cab and was striking the driver, who was face down, with his right hand.

Upton told detectives he tried to stop Marino by grabbing him by the collar but Marino swung at him with a knife and cut his left palm. Upton said he then ran away with the other two men.

After the killing, according to the affidavits, the three men visited an acquaintance who was staying in a West Colorado Avenue motel.

The acquaintance told detectives the three men washed up, then played cards and drank beer until the motel manager kicked them out.

The next morning, the acquaintance told detectives, a woman drove Upton and Marino back to the motel, where they picked up a soiled shirt, a pair of socks and two knives.

When the two were picked up by police, Marino had a black-handled knife in a sheath on his right hip. Upton had a black sheath on his right hip, but it was empty, according to the affidavits.

The affidavits show detectives identified the three homeless men as suspects after a woman called Manitou Springs police and said she recognized a chrome-plated bicycle chain and lock that had been found near the murder scene and was displayed in media reports.

The woman said she had stayed in the Red Cross homeless shelter in December and had seen Upton with a similar chain. She said Upton and Marino had borrowed a tent from her last week so they could camp in Red Rock Canyon.

All three men remain in the El Paso County Criminal Justice Center, held without bond on suspicion of first-degree murder and robbery with intent to kill.

Swaba, a Vietnam veteran, had driven a cab for nearly 13 years in Colorado Springs.

Bill McKeown covers general assignments and may be reached at 636-0197 or mckeown@gazette.com

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